

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

June 9, 2016

Endangered Species Recovery Committee
State of Hawai'i
Honolulu, Hawai'i

Committee Members:

**SUBJECT: REQUEST FOR COMMENTS ON THE LALAMILO WIND ENERGY
PROJECT DRAFT HABITAT CONSERVATION PLAN**

BACKGROUND:

Pursuant to Hawai'i Revised Statutes Chapter 195D, Lalamilo Wind Company LLC is requesting a 20-yr Incidental Take License (ITL) from the Board of Land and Natural Resources for the Lalamilo Wind Energy facility. This facility would supply power to eight existing water wells of the County of Hawai'i Department of Water Supply. The proposed project is a 3.3-Megawatt facility with five wind turbines and associated power lines, fencing, and roadwork. The turbines would replace existing turbines that were decommissioned in 2010. The project is located in the South Kohala District on agricultural lands approximately three miles southeast of the Hapuna golf course. Lalamilo Wind Company LLC has determined that the incidental take of two endangered species, including the bat could occur from project operation. Low wind speed curtailment will be employed as an impact minimization measure.

INCIDENTAL TAKE PROPOSED:

The Project has the potential to result in incidental take of species listed under the Federal Endangered Species Act and State Endangered Species Statutes. Incidental take is determined from direct take and indirect take because it is possible that the death of a listed adult during the breeding season could result in loss of eggs or dependent young. Lalamilo Wind Company LLC has determined that incidental take of two endangered species could occur as a result from operation of the project: Hawaiian hoary bat (*Lasiurus cinereus semotus*) and Hawaiian petrel (*Pterodroma sandwichensis*).

Common Name	Scientific Name	Tier Level	Requested Incidental Take Authorization
Hawaiian Hoary Bat 'Ōpe'ape'a	<i>Lasiurus cinereus semotus</i>	Tier 1	3 bats
		Tier 2	6 bats

Common Name	Scientific Name	Tier Level	Requested Incidental Take Authorization
Hawaiian Petrel 'Ua'u	<i>Pterodroma sandwichensis</i>	NA	2 Adults/fledglings 1 Chick/egg

Mitigation for the Hawaiian hoary bat incidental take will consist of habitat improvement at the Kahuku Unit of Hawai'i Volcanoes National Park (HAVO) and associated bat and bat prey monitoring to evaluate the improvement with funding at \$50,000 per bat. Mitigation for the Hawaiian petrel will consist of a monetary contribution toward maintenance of a cat-proof fence around a seabird nesting colony at HAVO and predator control. All mitigation measures were developed to provide a net ecological benefit to the affected species.

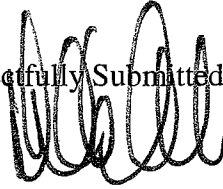
ANALYSIS & RECOMMENDATIONS:

DOFAW Staff has worked with Lalamilo Wind Company and its contractor through several rounds of revisions of the draft HCP. The following are concerns that Staff have with the current version of the document:

- *Section 9.2. Hawaiian Hoary Bat [Mitigation]*. The acoustic monitoring proposed in conjunction with the proposed restoration at HAVO is not clearly presented. It is described as mitigation in two different contexts, once as bat monitoring associated with the effectiveness of the restoration and once as research. Both the acoustic monitoring activities, as well as research on prey availability, is presented in concept but a more detailed, separate plan will be needed (this plan would be the same as that developed for the Pakini Nui mitigation since mitigation for both sites is proposed for the same location at HAVO). Because bat research is currently being considered by the agencies under a more comprehensive and prioritized approach and under a specific RFP process being developed at the direction of the ESRC, the conceptual approach for research currently described in the draft HCP may not be in accord with the new recommended research priorities and/or procedures.
- *Section 9.3. Hawaiian Petrel [Mitigation]*. This section needs clarification to show that the potential improvements to productivity achieved by predator trapping at the seabird enclosure are clearly assigned to this project to avoid double-counting since funding from other projects will also be used for the same activity.
- *Section 10.2.2. Effectiveness Monitoring*. More detail is needed for the success criteria for the Hawaiian petrel mitigation. Since the mitigation proposal is for Lalamilo as well as another site (Pakini Nui), allocation also needs to be addressed.
- *Section 10.2.3. Reporting*. The HAVO Kahuku unit restoration proposal contains no information on reporting. Details on how the restoration progress will be reported are needed.

- *Appendix A Mitigation Costs and Funding.* The budget for Tier 2 bat mitigation should total \$150,000 versus the existing \$100,000 for the take request of 3 bats. Research and acoustic monitoring for the bat research should be combined as one cost.

Respectfully Submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife